

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L.
EAMES, AND TAMMY EAMES, ON
BEHALF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED,
Plaintiffs,

VS.

NATIONWIDE MUTUAL INSURANCE
COMPANY,
Defendant.

CIVIL ACTION

NO. 04-1324-KAJ

**DEFENDANT'S INITIAL SELF-EXECUTING DISCLOSURES PURSUANT TO
RULE 26(a)**

In accordance with Rule 26(a) of the Federal Rules of Civil Procedure (the “Rules”), Defendant Nationwide Mutual Insurance Company (“Nationwide”) provides its initial disclosures. These disclosures are based upon Nationwide’s review of the allegations of the Complaint, wherein no specific witnesses or documents (other than plaintiffs) are referenced, nor are any documents attached to support the Complaint. Further, plaintiffs have not responded to Nationwide’s Motion to Dismiss or otherwise submitted any affidavits or documents. Nationwide therefore makes this submission upon information from the Complaint only, and reserves its right pursuant to the Rules to supplement these disclosures.

**A. NAMES OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE
INFORMATION**

Name and, if known, the address and phone number of each individual likely to have discoverable information that disclosing party may use to support its claim, unless solely for impeachment:

1. The plaintiffs (see Complaint for addresses)(Para. 3 and 4);
2. Underwriting Record Custodian of Nationwide; Annapolis, MD, - with regard to the policy purchased new in 1994 and for renewals including the policy PIP disclosure form signed by Thomas Eames, the policy and declarations page thereof (copies attached), including the Exhibits attached to Nationwide's Motion to Dismiss;
3. William Keith Culver, Muncie Insurance and Financial Services; records custodian; including Agency Contract;
4. Linda Sanders, Culver Insurance Agency - regarding the statement at the time of the issuance of the 1994 Nationwide policy regarding Delaware Motorists Protection Act Form, Personal Injury Protection coverage and premiums associated;
5. Delaware Mutual Insurance Company Record Custodian regarding purchased coverages for Delaware PIP from 1991 to March, 1994; New Castle, DE; Clay A. Monroe, Inc.; Nassau, DE;
6. Notices of additional or changed vehicles and renewals of vehicles insured by Nationwide describing PIP coverages (Basic 15/30 coverage) for the premium identified supplied to plaintiffs from Nationwide and from Delaware Mutual Insurance Company;
7. Roberta Eames renewal form for Nationwide policy coverages, PIP coverage, signed after the accident of June 17, 2003 where she raised her limits to \$100,000.00/\$300,000.00 for a new premium;
8. Nationwide Claims Adjusters, Ms. Pepper and Mr. Foskey, Nassau, DE –

PIP application and claims related activities after the accident date; and

9. Individuals identified during discovery.

(B) See attached documents.

(C) Nationwide asserts that there are no damages due by disclosing parties.

(D) There are no insurance agreements applicable to the claims of the Complaint.

(E) At the present time, Nationwide has not yet determined whether it will present experts who may be used at trial to present any evidence under Rule 702, 703 or 705 of the Rules.

Nationwide reserves the right to supplement and/or amend these disclosures pursuant to the Federal Rules of Civil Procedure 26.

Respectfully submitted,

SWARTZ CAMPBELL LLC

/s/ Nicholas E. Skiles, Esquire

Nicholas E. Skiles, Esquire (DE I.D. #3777)
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Dated: March 8, 2005

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CERTIFICATE OF SERVICE

I, Nicholas E. Skiles, Esquire, hereby certify that on this 8th day of March 2005, a copy of Defendant's Initial Self-Executing Disclosures has been sent via electronic filing, to:

John S. Spadaro, Esquire
Murphy Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19805

SWARTZ CAMPBELL LLC

/s/ Nicholas E. Skiles, Esquire

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